

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, September 23, 2020 @ 7:00PM

Chairman McLaughlin called the meeting to order at 7:00PM.

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Based on the executive orders from the state, this meeting will be conducted via Zoom. The meeting details were published in the Record.

ROLL CALL

Roll Call	PRESENT	ABSENT
(RM) Chairman Richard McLAUGHLIN	X	
(MR) Vice Chair Michael ROTH		X
(JP) John POWERS		X
(RB) Robert BUDINICH	X	
(JC) Jin CHO	X	
(SL) Steve LOTT	X	
(SM) Stephen MARTINEZ	X	
(GZ) Gail ZACCARO (alternate a)	X	
(RF) Robert FRANK (alternate b)	X	

Also present: (JS) John Schettino, Board Attorney
(AK) Anthony Kurus, Board Engineer, Neglia Engineering
(CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

August 26, 2020 minutes

The members discussed page 4 on the resolution (paragraph 10) for 1 Eastbrook and on page 4 of the minutes where it referenced that the fence would be 6ft off the property line along Hackensack or 6ft from the trees. The updated diagram showing the trees is Another reference point was 29ft from the left rear corner of the house when looking at the house which would be 6-7ft off the property line according to the survey. The members felt more comfortable using a fixed point as left rear of the house. Motion to accept the resolution with a modification to paragraph 6 and 10 to read “property line” as amended a motion to approve the minutes as amended.

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Vote to approve August 26, 2020 minutes as amended.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH						X
John POWERS						X
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ					X	
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

INVOICES FOR APPROVAL

No invoices available.

HEARINGS

1. 102 Highland Avenue - 6ft Fence (Giuseppe Mellampe)

Mr. Mellampe was still sworn in from the last meeting. Mr. Mellampe is clear on where the property line is located. The property line is 27ft from the curblin. He will consult with a landscape designer to put landscaping on the Tappan Road side. RM noted that this would change the application. Mr. Mellampe is still interested in a 6ft fence on the other parts of the property. RB clarified that the fence would run behind the garage and stepped back to the property line heading east to the neighbor's yard. There would be 3 sides, that would be front rear and side yard on Highland. The Tappan side would be removed from the application which is the most visible to the public. Mr. Mellampe would hope that the board would consider a 6ft fence on all 3 sides. Since the town considers the property to have 2 front yards, the variance would be to have a 6ft fence approximately where the garage starts towards Highland to the property line since the town allows a 3ft fence. The landscaping would be along Tappan Road. Looking out of the front door onto Highland, there is a small stretch on the left that comes out toward the Tappan side that a 5 ft fence is permitted then 3 ft fence towards Tappan Road, based on the town regulation. The fence that is perpendicular to Tappan Road that would require a variance. RB asked if he would like to speak with the landscape designer then come back to complement the fence. Mr. Mellampe has no issue moving the discussion to the next meeting.

Mr. Mellampe asked about rerouting the driveway to the Highland Avenue side. The garage would be extended closer to the property line and move all vehicles to the Highland Avenue side. It would be safer for his family and traffic. The driveway would be moved to the left of the

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house. JS suggested to go to the building department to determine if a variance is required. Mr. Mellampe said the driveway would be along the property and is 17ft wide and would accept a 5ft fence between his side neighbor. The question depends on if the garage can be extended. Board members mentioned that it is difficult to give an opinion if there are no details to look at. The distance from the front right corner toward Tappan road is not measured. Mr. Mellampe said that the fence would extend to the property toward Tappan Road. JS said that Mr. Mellampe would have to re-notice and submit an amended application with architecture drawings. Mr. Mellampe asked if the board would be receptive to the driveway along the property line. SL noted that it is difficult to consider because there are no plans and the garage could be very large. RB would consider moving the driveway, but there could be an objection from the neighbors. RM and SM would be receptive to the concept. The next steps would be to provide detailed plans, send notices and amend the application. The next meeting is Oct 28. Mr. Mellampe said that he may need more time. If everything is in order, the application can be carried to the November meeting. Application is carried to the October 28 meeting. AK left the meeting.

2. 42 Maryann Lane - 6ft Fence (Giuseppe and Josephine Deserio)

Mr. and Mrs. Deserio were still under oath from the previous meeting. Jennifer Pappachristou, 66 Rugen Drive and Jill Cadre, the attorney for the Pappachristou were present for the application. Mr. and Mrs. Deserio will reduce the height to a 5ft fence and did not mean to disrespect the neighbors. The variance would be for the 5ft fence along Rugen Drive where a 3ft fence is permitted.

The trees and bushes along the side yard on Maryann Lane would be inside the fence.

The meeting was opened to the public. Jill Cadre, the attorney on behalf of the Pappachristous of 66 Rugen Drive, the property directly behind 42 Maryann Lane, had appeared in August and provided their objections on the record and the objections still stand. The 53ft long fence is in front of 66 Rugen Drive. The fence would be 30ft along the neighbor's front yard. It would affect the front yard of the neighbor. When the client sits in their yard, they will lose sight of the natural surroundings. They would not see any vehicle driving up Rugen Drive or backing up from the driveway. The 35ft setback was put in place for a reason. The non-conformity of the fence would depreciate the value of her client's property and the neighbors on Rugen Drive are not happy about it. The fence would not be in conformity with Rugen Drive and should be setback. The Deserios described from the survey that the fence would start approximately 37.9ft from, plus approximately 20ft the width of the house from Maryann Lane. The objectors position is that cars coming out of Maryann Lane will be obstructed by the fence about 60ft away. If you are at 66 Rugen Drive all you would see is the fence. Ms. Pappachristou said she drove around Harrington Park and there is no other family in HP that has a fence jutting out on the corner. She mentioned that there is landscaping. When you drive up Rugen Drive to Maryann Ln, there is no stop sign or traffic sign on Rugen or Maryann. There are new drivers in the area. There is a sun glare in the morning and you cannot see the vehicles. She thinks that

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putting up a fence on Rugen Drive will look horrible. When she bought the house, this is not what she signed up for. There is no other home that has a white wall in their front yard like that. This fence goes past the setback and doesn't add to the neighborhood. If there is a blockage on the street, the police should come out. Rugen is a dead end, but the property owned by the water company can be built on in the future and become a thoroughfare. She did not know why she and her husband would need to be subjected to this.

The board member reviewed the ordinance and the fence is outside of the 30ft triangle. The second part, no fence over 3ft shall be placed within 10ft of the curblin. The applicant will lower the fence to 5ft to be uniform with the existing fence. The applicant said that planting trees would not require a variance and would also cause blockage since trees grow higher. JS noted the other complaint is the aesthetic appearance.

Ms. Pappachristou said that their driveway is closer to 72 Rugen Drive. Ms. Cadre said that her clients would not agree with any fence past the setback.

The applicants are willing to amend the application to a 4ft height.

Lance Symons, 72 Rugen Drive, was sworn in. He said that he doesn't have any objections with a 3ft fence because it falls within the ordinance, ascetics and is a reasonable height. His wife has driven around town and has not seen any fences similar to what is proposed. The house across the street is an anomaly, is next to the driveway and ruins the aesthetics of the area. Trees can be put up, cut down and not maintained; it is the beauty of Harrington Park. The frontage on Rugen is his frontage. Looking down Rugen you cannot see over a 5ft fence. No one puts high fences in front of anyone's house. You can see over a 3ft fence. He objects to a 4ft fence.

There were no other questions from the public. The meeting was closed to the public.

RB asked the Deserios for the distance from the curblin to the start of the fence. The Deserios said that it is 21ft. The Deserios said that they would not be willing to erect a 3ft fence because they would not require a variance. The 4ft would be acceptable.

Vote to approve the 5ft fence around the perimeter with the exception of the right side that will be 4ft.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN				X		
Vice Chair Michael ROTH						X
John POWERS						X
Robert BUDINICH	X		X			

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Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ					X	
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

The application was granted. The next meeting there will be a written resolution incorporating the board's decision. That resolution will be published. Any objector to the board's decision has 45 days from the date of publication to file suit to overturn the decision.

3. 55 William Street - Side yard variance - generator (Stephen & Tract Martinez)

Stephen Martinez recused himself from the meeting. JC recused himself from the application hearing.

Stephen Martinez was sworn in. He is looking to put in a natural gas generator. He is in the area of town that loses power about 3-7 times a year. He would like to protect the house by maintaining the heating and cooling system and refrigeration if the power goes down. The generator would be on the right side of the house. Mr. Martinez said that the fence will go down and the area will be cleaned when the generator is installed. He will go to the building department and submit an application for a fence that conforms with all the codes. The noise level of the generator is consistent with other generators. It is one of the quieter ones in the area because it is newer. The generator will be about 1ft closer to the fence than the compressors. The generator is 25.5" x 48". It is facing the house on the right side. The generator encroaches about 2ft on the side yard. Trees separate the property. The generator would be about 25-30ft from the deck and about 40-45ft from the neighbor's dwelling.

The 4 members went to see the property. SL did not receive the emails.

The meeting was opened to the public. There were no members of the public with questions or comments. The meeting was closed to the public.

Vote to approve a side yard variance for generator at 55 William Street.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH						X
John POWERS						X
Robert BUDINICH	X		X			
Jin CHO					recused	

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Steve LOTT					X	
Stephen MARTINEZ					recused	
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

The applicant was approved. RM confirmed that Mr. Martinz heard the publication and timeframe process regarding the resolution and it would apply to this application. There will be a written resolution next month.

RESOLUTIONS

1. 63 First Street - Side yard setbacks for an addition (Marlene and Walter Bednarz)

Vote to approve the resolution for 63 First Street for an addition with variances for front and side yard setbacks.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH						X
John POWERS						X
Robert BUDINICH		X	X			
Jin CHO			X			
Steve LOTT					X	
Stephen MARTINEZ					X	
Gail ZACCARO (alternate a)	X		X			
Robert FRANK (alternate b)			X			

2. 1 Eastbrook - 5ft Fence (Dino Ruggiero)

Resolution as amended.

Vote to approve the 1 Eastbrook resolution as amended with location of a 5ft high fence 6ft from the property line along Hackensack Avenue.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH						X
John POWERS						X
Robert BUDINICH	X		X			

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Jin CHO			X			
Steve LOTT					X	
Stephen MARTINEZ					X	
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

3. 35 Giles Rd - Side yard setback for A/C (Allan Napolitano)

Vote to approve the resolution for a side yard variance for air condition unit at 35 Giles Road.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH						X
John POWERS						X
Robert BUDINICH		X	X			
Jin CHO			X			
Steve LOTT					X	
Stephen MARTINEZ					X	
Gail ZACCARO (alternate a)	X		X			
Robert FRANK (alternate b)			X			

MEETING OPEN TO THE PUBLIC

There were no members of the public. The meeting was closed to the public. RM asked if Mr. Fiaschi had any questions. Mr. Fiaschi said that he enjoyed following the proceedings.

OLD BUSINESS

142 Schraalenburgh Road - provided email waiving time and decision rule.

When the applicant is ready, the applicant will notice. Adjourn the application without filing a new application and the fees related to it.

Vote to adjourn the application for 142 Schraalenburgh Road for a side yard variance for an air conditioner.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH						X
John POWERS						X

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Robert BUDINICH			X			
Jin CHO			X			
Steve LOTT		X	X			
Stephen MARTINEZ			X			
Gail ZACCARO (alternate a)	X		X			
Robert FRANK (alternate b)			X			

NEW BUSINESS

1. RB asked JS for an interpretation in the fence ordinance 350-42 A, B and C. The ordinances apply to where a fence may or may not be applicable and how it relates to a curbline. JS asked CL to email him the section of the ordinance.
2. The Planning Board discussed the 6ft fences, but the board planner was not at the meeting. The Planning Board carried the discussion until the October meeting. There was discussion if residents should be notified that the Board of Adjustment has asked the Mayor and Council and Planning Board about the fence ordinance. Allan Napolitano commented that the Council feels that the decision should be left to the 5 or 6 with the Board of Adjustment as it stands now. There seems to be mixed feelings on the Board of Adjustment and the Council is willing to hear more information and feedback from the Board of Adjustment. The Council was looking for a more uniform opinion from the board in order to change the ordinance. It may be a larger conversation. The planner should be able to provide more feedback on how other towns are handling 6ft fences.

ADJOURN

Motion: RB Second: GZ

In favor, all said “aye”. It was unanimously passed.

Adjourned at 8:45pm.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Wednesday, October 28, 2020 at 7pm